

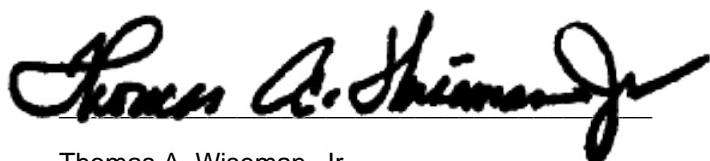
**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

WALLACE MITCHELL,)
Plaintiff,)
v.) Civil Action No. 3:06-cv-0621
RIVERGATE ACQUISITIONS, INC., dba)
PLANET KIA, a/k/a OCCUPANT OF)
1201 NORTH GALLATIN PIKE,)
MADISON, TENNESSEE 37115,)
Defendant.)
)

ORDER

Before this Court is Defendant Rivergate Acquisitions, Inc.'s ("Rivergate") Motion for Summary Judgment (Doc. No. 20) and Memorandum in Support (Doc. No. 21) arguing that it is entitled to judgment as a matter of law because the term of the Lease has not expired and there are no defaults warranting Rivergate's eviction. On April 30, 2007, Rivergate also filed its Statement of Undisputed Material Facts (Doc. No. 24-1) in support of its motion. Plaintiff Wallace Mitchell filed a response to Rivergate's Statement of Disputed Material Facts (Doc. No. 28), as well as his opposition to the Motion for Summary Judgment (Doc. No. 29) on May 18, 2007. Rivergate filed a reply on May 31, 2007 (Doc. No. 30). For the reasons set forth in the accompanying Memorandum, Rivergate's motion for summary judgment (Doc. No. 21) is DENIED.

It is so ORDERED.



Thomas A. Wiseman, Jr.
Senior United States District Court Judge